



## PLANNING COMMISSION MEETING STAFF REPORT JANUARY 12, 2006

<b>Project:</b>	MCDONALD'S DUAL DRIVE-THROUGH LANE- (PLN2006-00052)
<b>Proposal:</b>	To consider an amendment to conditional use permit U-91-6 to change an existing drive-through from single to double-lane configuration
<b>Recommendation:</b>	Approve based upon findings and subject to conditions.
<b>Location:</b>	42800 Mission Boulevard in the Mission San Jose planning area. APN 513-0402-036-00 (See aerial photo next page)
<b>Area:</b>	4,092 square foot existing building on a 0.92-acre lot
<b>People:</b>	Malcolm Carruthers, RHL Design Group Inc., Applicant Rick Dichoco, McDonald's Corporation, Owner's Agent John W. Johnson, Architect Joel Pullen, Staff Planner (510) 494-4436
<b>Environmental Review:</b>	This project is categorically exempt from the California Environmental Quality Act because it is a minor alteration of an existing facility's site layout as described in Section 15301 of the CEQA Guidelines.
<b>General Plan:</b>	Thoroughfare Commercial
<b>Zoning:</b>	C-T (H) (H-I)--Thoroughfare Commercial in the Historical and Hillside Combining Overlay Districts

### **EXECUTIVE SUMMARY:**

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The McDonald's restaurant adjacent to the northern intersection of Mission Boulevard and Interstate 680 is proposing to modify their existing drive-through from a single to a double-lane ordering configuration. No changes are being proposed for the existing building. In order to add the lane, the applicant proposes to modify the existing curbs in a limited area while retaining sufficient room for vehicle circulation on-site. The existing General Plan and Zoning of the site support this type of use. The number of available parking spaces would not be reduced as part of this approval, and the site circulation would remain substantially the same. The landscaping in reconfigured planter areas is similar to what was previously approved.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



[1 inch = 375 feet]

**SURROUNDING LAND USES:**

North: Park & Ride Lot and Mission Road/680 Frontage  
 South: Shell Service Station  
 East: Vacant land adjacent to the hillside  
 West: Mission Blvd (5 lanes)

## **BACKGROUND AND PREVIOUS ACTIONS:**

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McDonald's was established at this site as a permitted use (without a drive-through) in 1986, when the Planning Commission approved grading plan GP-86-12 and found environmental impact review EIR-86-72 to be adequate. At that time, drive-throughs were a prohibited use in Historical Overlay Districts. In 1991, Ordinance No. 1956 amended the Fremont Municipal Code by deleting the prohibition on drive-through restaurants in Historical Overlay (H) Districts for sites located in Thoroughfare Commercial (C-T) Districts.

In April 1991, the Historical Architecture Review Board (HARB) recommended and the Planning Commission approved conditional use permit U-91-6, with conditions, for the design of a single drive-through lane wrapping around the southeast side of the existing McDonald's building. The conditions of approval required the applicant to bring a landscape plan and planned signing program back to HARB, which reviewed and recommended approval of both plans in June 1991.

## **PROJECT DESCRIPTION:**

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This application would amend conditional use permit U-91-6 to allow for dual drive-through ordering lanes, which, according to the applicant's letter, is a superior configuration because it "improv[es] wait times," "reducing the number of cars stacked in line" because two cars can "view menu boards and place orders simultaneously before driving forward to the payment and pick-up windows. Basically, cars wait in a single queue before splitting at a 'Y' to order, and then cars merge back into one lane before paying and picking up food.

Currently, parking lot and drive-through traffic circulates in a counter-clockwise direction around the site, with angled parking spaces on the east and west perimeter. This proposal preserves the existing parking configuration, number of spaces, and provides for the requisite 20-foot driveway from the front to the rear of the restaurant's parking lot. A narrow landscape island with shrubs and trees will continue to separate the drive-through from the southern drive aisle and the rear parking lot. The applicant also proposes routine upgrades to accessible parking near the front door of the restaurant.

Because there is a planned signing program (PSP-91-4) on this property in the Historical Overlay, the addition of signage would ordinarily be sent to HARB for approval prior to the Planning Commission hearing. However, the Planning Division has reviewed the project and determined that the addition of matching signs does not require a HARB hearing because the building itself is not being altered and the proposed signage is identical to that previously approved for the single lane. Each new individual sign will be separately reviewed to make sure it is consistent with PSP-91-4; and any future proposed signs, including clearance bar or pavement signage, that deviate from the current planned signing program will require HARB review if proposed.

## PROJECT ANALYSIS:

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Thoroughfare Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site because the General Plan explicitly envisions "Eating and Drinking Establishments...including drive-through" facilities as allowed uses. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Policy LU 2.28: The thoroughfare commercial designation shall apply to uses which primarily serve the traveling public and/or are inappropriate for commercial centers, as described under "Allowed Uses." This use designation should not be applied to projects which primarily provide goods and services to a neighborhood or community...

Analysis: This policy, in part, encourages uses "which primarily serve the traveling public." Expanding the drive through would increase the extent to which McDonald's is able to cater to drivers.

Policy LU 2.29: Thoroughfare Commercial uses shall be located on an arterial street with a high volume of through traffic. Sufficient roadway width or alternative access points shall permit access to the commercial site without significant impacts on the carrying capacity or safety of the road. Appropriate locations are near freeway interchanges and along the City's arterials, and especially at intersections of arterials...

Analysis: This policy restricts Thoroughfare Commercial uses to "arterial street[s] with a high volume of through traffic." McDonald's address is on Mission Boulevard, a major inter-city arterial, and adjacent to an intersection including the northbound off-ramp from Highway 680. The site shares a driveway with a service station to the south, and a park-and-ride with transit access is located northward across Mission Road.

Policy LU 2.30: All proposed uses in a Thoroughfare Commercial designated area should be evaluated to determine that the use is primarily oriented toward the motoring public or is inappropriate to an existing commercial area.

Analysis: This policy requires all proposed uses within Thoroughfare Commercial areas to "be evaluated to determine that the use is primarily oriented toward the motoring public." Addition of an ordering drive-through lane meets this policy.

Policy LU 2.32: Thoroughfare Commercial uses shall be designed to be compatible with surrounding uses and/or compatible with the design theme of a district or

planning area (e.g. "Mission" style in Mission San Jose). Because such uses are often in highly visible locations, such uses should be attractive additions to the City's environment, incorporating appropriate landscaping and other design features.

Analysis: This policy requires the restaurant site to "be designed to be compatible with surrounding uses and/or compatible with the design theme of a district or planning area." The Historical Architectural Review Board examined the elevations of the building itself in 1991, and the applicant is not proposing changes within the scope of this application. Site design, including circulation areas and the additional landscaping are required to be consistent with Mission San Jose Design Guidelines.

### ***Zoning Regulations:***

The subject site is subject to zoning regulations for the following three (3) districts--Thoroughfare Commercial (C-T), Historical Overlay (H), and Hillside Combining (H-I).

- **Thoroughfare Commercial (C-T):** FMC Section 8-21303(i) permits "drive in or drive-through eating places" in the Thoroughfare Commercial District, subject to Planning Commission review and approval of a conditional use permit.
- **Historical Overlay (H):** FMC Section 8-21842 requires any "existing building...be[ing] altered, enlarged or rebuilt so as to affect the exterior of such existing building [to receive approval] of the Historical Architectural Review Board. As discussed above, since this application does not include changes to the existing McDonald's building, no HARB review is required for the physical modifications of the drive-through lanes. Future addition of signs inconsistent with Planned Signing Program 91-4 would require an amendment to the planned signing program and HARB review if applicable.
- **Hillside Combining District (H-I):** FMC Section 8-21822.1 prescribes development standards for the H-I. The scope of development being proposed requires very little grading because it is essentially a reconfiguration of curb alignments and addition of landscaped area within the same previously approved plane.

### ***Parking:***

Thirty-four parking spaces (including two marked for disabled person accessibility) are currently provided. All but six are oriented in a sixty-degree angled parking configuration in parking lots on the east and west sides of the building. The same number of parking spaces will remain, with modifications to the accessible pedestrian way circulation and the size of the accessible spaces. Increasing pass-through speed of drive-through customers does not necessitate additional parking spaces.

### ***Design Analysis:***

#### ***Site Planning:***

The on-site changes adjust the drive-through by splitting a single-lane vehicle queue into two lanes that come back together into one lane for payment and pick-up after drive-through customers order. Since the purpose of the dual configuration is to make the lane more efficient, the everyday length of the

drive-through lane should be reduced. The loading area would be reduced from approximately forty-five feet to approximately thirty-two feet long. The City of Fremont currently has no minimum standard for the dimensions of a loading area (other than that of a standard parking space). Previously, full-size semi trucks have delivered to this facility; the applicant states that typical loading vehicles in the future will be smaller trucks at thirty-two feet long. Loading is accomplished via a conveyor-like operation from the side of the truck, eliminating the need for paved space to the rear of the truck. This proposal meets the minimum technical requirement. Since the bulk of the site has one-way traffic, though, a condition is proposed that delivery vehicles may not extend from the front or rear of the loading area in a way that impedes drive-through queuing or general site circulation.

*Open Space/Landscaping:*

There are currently 9,521 square feet of landscaping provided onsite. The applicant proposes to add a net gain of approximately 424 square feet of landscaped area, including additional trees and shrubs, within the reconfigured curb islands. Exact location of trees shown on the landscape plan will be subject to review by Development Organization staff.

*View Impacts:*

The Mission Boulevard frontage of this location contains a steep embankment with landscaping that hides the bulk of the parking and circulation area from the road. When driving north on Mission Boulevard, however, the drive-through area is visible from the road. In order to create a more appealing view, the applicant is proposing a net increase in landscaped area, including strategic placement of trees near the far southern corner of the curb islands.

*Circulation:*

There are two ways to enter the McDonald's property, both through the front (Mission Boulevard) parking lot. One may enter from Mission Road and either park or wait in the drive-through lane. Since there are two drive-through lanes, this provides approximately 160 feet of queuing distance, while eat-in customers may proceed to an available parking space by using the right lane, circling around the back if there are no spaces available in the front lot. Patrons coming north on Mission Boulevard also enter through the driveway shared with the adjacent service station.

***Environmental Review:***

This project qualifies for a Class I categorical exemption from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines because it constitutes a minor alteration of an existing facility for which environmental review has previously been undertaken. EIA-91-17 (initial study and draft negative declaration) was completed for the addition of the original drive-through in 1991.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of twenty-one notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on December 27, 2005. *The Argus* published a Public Hearing Notice on December 29, 2005.

In addition, public hearing notices were mailed as a courtesy to interested parties. These parties included representatives from the senior citizen, sight-impaired, and hearing-impaired communities; which have requested routine notification of proposals to modify drive-through facilities.

**ENCLOSURES:**

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***Exhibits:***

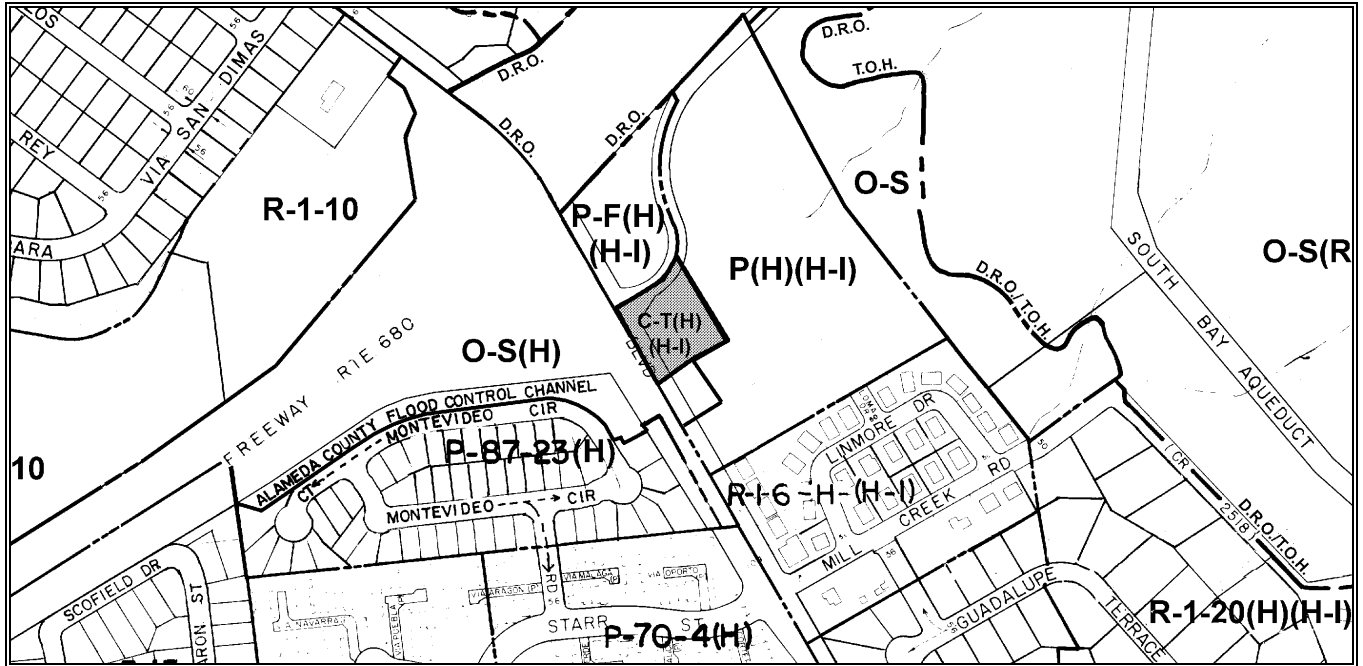
- Exhibit "A" Site Plans and Preliminary Landscape Plan
- Exhibit "B" Findings and Conditions of Approval

**RECOMMENDATION:**

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1. Hold public hearing.
2. Find the project categorically exempt from the California Environmental Quality Act under Section 15301 of the CEQA Guidelines as a minor alteration of an existing facility
3. Find the Site Plan and Preliminary Landscape Plan are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve Conditional Use Permit Amendment PLN2006-00052 to U-91-6, as shown on Exhibit "A", subject to the findings and conditions on Exhibit "B".

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**

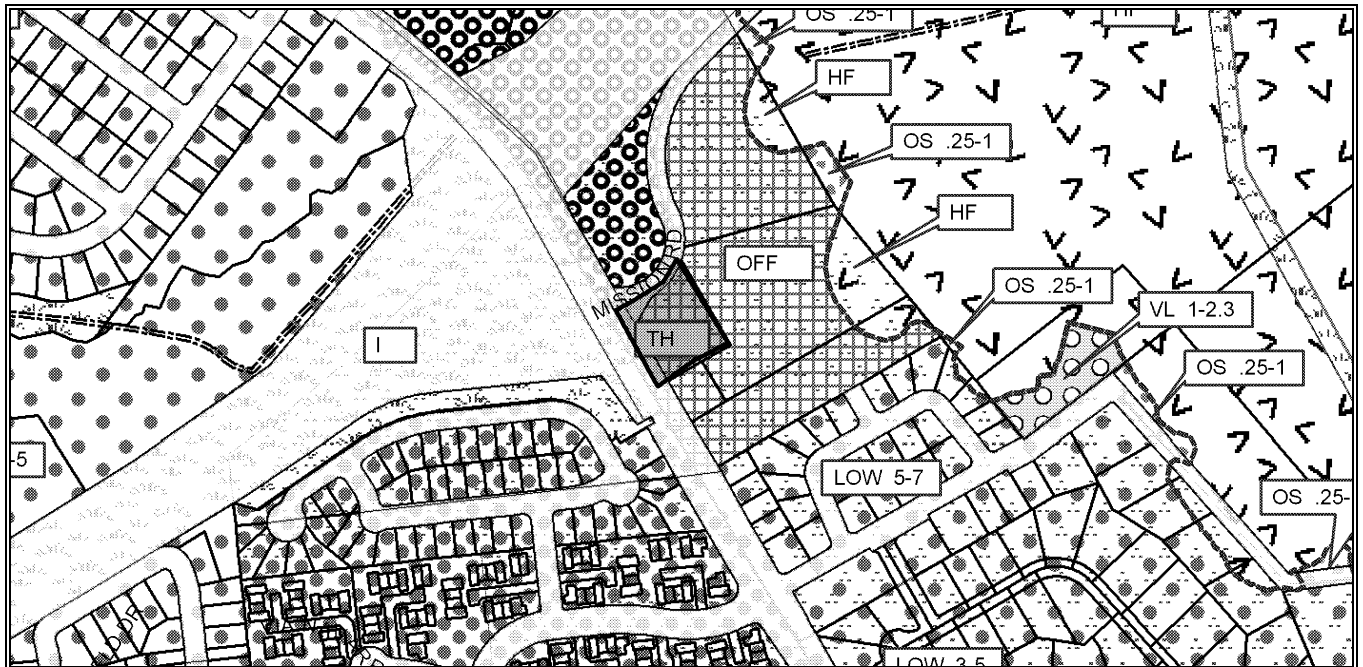




Exhibit "B"  
Findings and Conditions of Approval  
For PLN2006-00052

Findings:

- a. The proposed conditional use permit amendment to add a dual drive-through ordering lane is consistent with the General Plan for the site because drive-through facilities serve the motoring public--a primary goal of Thoroughfare Commercial land;
- b. The site, as modified, is suitable and adequate for the proposed use because the existing drive-through restaurant operation is being enhanced through this proposal;
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the site is on an arterial and circulation and parking are not being modified;
- d. The proposed use would not have a substantial adverse economic effect on nearby uses, since a permitted use is being enhanced by the modifications and adequate measures are taken to prevent negative impacts to other businesses in the area;
- e. The proposed use of the dual drive-through lane would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the use remains a restaurant and the modification will eliminate waiting vehicles in the drive-through;
- f. The project is designed to be sensitive within existing visual sightlines and circulation patterns through the addition of landscaping, and is therefore compatible with existing and proposed development in the district and its surroundings; and
- g. The project will comply with the provisions of Article 27 (Site Plan and Architectural Review) of this chapter.

Conditions:

1. Compliance with all relevant provisions of the Fremont Municipal Code and State and federal law, and other regulations, standards and policies referenced therein.
2. In accordance with Section 8-22511 and 8-22512 of the Fremont Municipal Code (FMC), this conditional use permit amendment approval shall expire if not used [as defined in FMC 8-22511(c)] within one year from the date of Planning Commission Approval, and may be reviewed for possible revocation or modification by planning commission or city council if any of the following conditions exist [per FMC 8-22512]:
  - a. Conditions of approval have not been fulfilled,
  - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property, and/or

- c. The use has resulted in a substantial adverse impact on public facilities or services.
3. The applicant shall submit site development plans to the Development Organization for final review before issuance of a building permit.
4. Only the locations (not color, design, and material) of the signs shown on the exhibits are part of this approval. Prior to issuance of a sign permit, the HARB Planner shall review all design of future proposed signage for consistency with Planned Signing Program (PSP) 91-4. Signage not consistent with PSP-91-4 will require a planned signing program amendment that may be either reviewed for approval by staff or referred to the Historical Architectural Review Board for a decision.
5. The Development Organization shall determine the final location of the trees shown on the Preliminary Landscape Plan. One or more may be eliminated or moved, subject to review and approval of the final design by the City landscape architect. If a tree is required to be removed, suitable other landscape treatments may be substituted in conformance with City landscape development requirements.
6. The applicant has designed the loading area based upon the representation that the average delivery vehicle will be thirty-two feet in length. Accordingly, delivery vehicles using the loading area provided shall neither project into the drive aisle so as to impede traffic circulation onsite nor conflict with use of the common easement with the service station's patrons.
7. Based on the existence of any future condition in which the drive-through queue consistently extends to the point of conflicting with onsite or off-site traffic so as to create a nuisance, such conflict shall be grounds for further review of the conditional use permit, which may lead to additional operational or site development modifications as necessary to relieve any conflict.
8. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
  - a. Monday-Friday, 7 a.m. to 7 p.m.
  - b. Saturday & Holiday, 9 a.m. to 6 p.m.
  - c. Sunday, no construction activity allowed